

PHARMACY BOARD[657]

Adopted and Filed

Rule making related to imitation controlled substances

The Board of Pharmacy hereby amends Chapter 1, “Purpose and Organization,” Chapter 3, “Pharmacy Technicians,” Chapter 4, “Pharmacist-Interns,” Chapter 5, “Pharmacy Support Persons,” Chapter 10, “Controlled Substances,” Chapter 17, “Wholesale Drug Licenses,” Chapter 19, “Nonresident Pharmacy Practice,” and Chapter 41, “Outsourcing Facilities,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 147.76.

State or Federal Law Implemented

This rule making implements, in whole or in part, 2017 Iowa Acts, chapter 145, section 23.

Purpose and Summary

These amendments remove all references to Iowa Code chapter 124A, which was repealed by the 87th General Assembly in 2017 Iowa Acts, chapter 145, section 23.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on December 20, 2017, as **ARC 3506C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Board on May 23, 2018.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 657—Chapter 34.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on July 25, 2018.

The following rule-making actions are adopted:

ITEM 1. Amend rule 657—1.2(17A,147,272C) as follows:

657—1.2(17A,147,272C) Description and organization of board. The board is comprised of five pharmacist members and two representatives of the general public, all appointed by the governor. An administrative staff headed by a board-appointed executive director assists board members.

The board's authority for regulating the practice of pharmacy and the legal distribution and dispensing of prescription drugs and devices and of precursor substances in the state of Iowa is found in Iowa Code chapters 124, ~~124A~~, 124B, 126, 147, 155A, 205, and 272C.

ITEM 2. Amend rule 657—3.29(155A) as follows:

657—3.29(155A) Denial of registration. The executive director or designee may deny an application for registration as a certified pharmacy technician or pharmacy technician trainee for any violation of the laws of this state, another state, or the United States relating to prescription drugs, controlled substances, or nonprescription drugs or for any violation of Iowa Code chapter 124, ~~124A~~, 124B, 126, 147, 155A, or 205 or any rule of the board.

An individual whose application for registration as a certified pharmacy technician or pharmacy technician trainee is denied pursuant to this rule may, within 30 days after issuance of the notice of denial, appeal to the board for reconsideration of the application.

ITEM 3. Amend subrule 3.30(1) as follows:

3.30(1) Violations. The board may impose discipline for any violation of the laws of this state, another state, or the United States relating to prescription drugs, controlled substances, or nonprescription drugs, or for any violation of Iowa Code chapter 124, ~~124A~~, 124B, 126, 147, 155A, or 205 or any rule of the board.

ITEM 4. Amend rule 657—4.10(155A) as follows:

657—4.10(155A) Denial of pharmacist-intern registration. The board may deny an application for registration as a pharmacist-intern for any violation of the laws of this state, another state, or the United States relating to prescription drugs, controlled substances, or nonprescription drugs, or for any violation of Iowa Code chapter 124, ~~124A~~, 124B, 126, 147, 155A or 205, or any rule of the board.

ITEM 5. Amend subrule 4.11(1) as follows:

4.11(1) Grounds for discipline. The board may impose discipline for any violation of the laws of this state, another state, or the United States relating to prescription drugs, controlled substances, or nonprescription drugs or for any violation of Iowa Code chapter 124, ~~124A~~, 124B, 126, 147, 155A, or 205, or any rule of the board.

ITEM 6. Amend rule 657—5.24(155A) as follows:

657—5.24(155A) Denial of registration. The board may deny an application for registration as a pharmacy support person for any violation of the laws of this state, another state, or the United States relating to prescription drugs, controlled substances, or nonprescription drugs or for any violation of Iowa Code chapter 124, ~~124A~~, 124B, 126, 147, 155A, or 205 or any rule of the board.

ITEM 7. Amend subrule 5.26(1) as follows:

5.26(1) Violations. The board may impose discipline for any violation of the laws of this state, another state, or the United States relating to prescription drugs, controlled substances, or nonprescription drugs or for any violation of Iowa Code chapter 124, ~~124A~~, 124B, 126, 147, 155A, or 205 or any rule of the board.

ITEM 8. Amend rule 657—10.44(124) as follows:

657—10.44(124) Discipline. Pursuant to 657—Chapter 36, the board may fine, suspend, revoke, or impose other disciplinary sanctions on a registration for any of the following:

1. to 4. No change.

5. Any violation of Iowa Code ~~chapters~~ chapter 124, ~~124A~~, 124B, 126, 155A, or 205, or any rule of the board, including the disciplinary grounds set forth in 657—Chapter 36.

ITEM 9. Amend rule 657—17.18(155A) as follows:

657—17.18(155A) Discipline. Pursuant to 657—Chapters 35 and 36, the board may deny, suspend, or revoke a wholesale drug license for any violation of Iowa Code chapter 124, ~~124A~~, 124B, 126, 155A, or 205 or a rule of the board promulgated thereunder.

ITEM 10. Amend rule 657—19.11(155A) as follows:

657—19.11(155A) Discipline. Pursuant to 657—Chapter 36, the board may fine, suspend, revoke, or impose other disciplinary sanctions on a nonresident pharmacy license or pharmacist in charge registration for any of the following:

1. to 4. No change.

5. Any violation of Iowa Code chapter 124, ~~124A~~, 124B, 126, 155A, or 205 or any rule of the board.

ITEM 11. Amend rule 657—41.6(155A) as follows:

657—41.6(155A) Discipline. Pursuant to 657—Chapter 36, the board may fine, suspend, revoke, or impose other disciplinary sanctions on an outsourcing facility license for any of the following:

1. to 4. No change.

5. Any violation of Iowa Code chapter 155A, 124, ~~124A~~, 124B, 126, or 205 or any rule of the board, including the disciplinary grounds set forth in 657—Chapter 36.

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